HON'BLE SRI JUSTICE T.CH.SURYA RAO

HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No.13150 OF 2006

Date 18.10.2006

Between:

Smt Ratna and others.

..... PETITIONERS

AND

The Special Court under A.P.Land Grabbing (Prohibition) Act II Floor, BRKR Govt. Offices Complex Tank Bund Road, Hyderabad & others.

.....RESPONDENTS

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O R D E R: (per Hon'ble Sri T.Ch.Surya Rao, J)

The petitioners seek a Writ of Certiorari assailing the order

dated 06-04-2006 passed by the learned Special Court under the A.P. Land Grabbing (Prohibition) Act, in I.A.No.188 of 2006 in L.G.C.No.131 of 1997.

The writ petitioners are the respondents in L.G.C.No.131 of 1997. Respondents 2 to 5 are the applicants, who filed the application under Section 8 of the Land Grabbing Prohibition Act. The applicants filed I.A.No.188 of 2006 for appointment of the Commissioner to localize the application schedule land. That application having been resisted by the respondents therein including the writ petitioners under the impugned order, the learned Special Court allowed the same and appointed the Commissioner to localize the application Schedule land.

The thrust of the contention of the petitioners seems to be that the petitioners slept over the matter for a long time despite the report of the Mandal Revenue Officer that it is expedient having regard to the complications involved in the identification of the land to entrust the work of demarcating and identifying the application schedule land to a more experienced official with a rank of Assistant Director of Survey and Land Records and therefore, at this stage it is not reasonable to appoint a Commissioner.

It is obvious from the respective contentions of the parties that there appears a serious dispute about the identity of the land in question. Delay cannot defeat justice if it ultimately requires justice. Even the verification report submitted by the Mandal Revenue Officer discloses that the matter requires demarcation of the land by the experienced officer of the Survey Department. Having regard to the same, the need to appoint an experienced officer for demarcating the land in dispute cannot be denied. Feeling the said necessity and while exercising the discretion, the learned Special Court notwithstanding the fact that the instant application seeking appointment of a Commissioner came to be filed at the stage of arguments of the

matter, thought desirable to appoint a Commissioner in the cadre of Assistant Director of Survey and Land Records to localize the application schedule land. We are of the considered view that no illegality or error of jurisdiction has been committed by the learned Special Court in having exercised its jurisdiction and therefore it is not expedient to interfere at the stage of interlocutory orders while exercising certiorari jurisdiction.

For the above reasons, the Writ Petition fails and is dismissed. However no separate order as to costs.

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T.CH.SURYA RAO,J

Date:18-10-2006

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G.CHANDRAIAH,J

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